

Appln No. 10/805,888
Amdt date August 2, 2007
Reply to Office action of May 2, 2007

REMARKS/ARGUMENTS

Claims 1-2, 4-29, and 31-40 are pending. Claims 1, 2, 7, 10, 19, 28, and 38 are amended.

Claims 28-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that although claims 28-40 have always been directed to a system, in two prior Office actions and one interview that the Applicant's attorney conducted with the Examiner, this issue of "non-statutory subject matter" was never mentioned. Nevertheless, Applicant respectfully traverses this rejection.

First, Applicant respectfully submits that the subject matter of claims 28-40 are directed to a system, and a system is within the statutory subject matter of 35 U.S.C. 101. Second, as the Examiner correctly points out the specification is very clear about "the method and system of the present invention provide means for users to . . . ," in paragraph [0028]. Therefore, the specification clearly discloses a "system for identifying content in a computer network" (claim 28) and a "system for categorizing an item to be searched by a user in a computer network" (claim 28). Third, "means plus function" claims are allowed under 35 U.S.C. 112, sixth paragraph. MPEP, Section 2181 states the conditions for a claim to invoke the 35 U.S.C. 112, sixth paragraph:

A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

- (A) the claim limitations must use the phrase "means for" or "step for;"
- (B) the "means for" or "step for" must be modified by functional language; and
- (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material>, < or acts for achieving the specified function.

MPEP, Section 2181.

Here, claims 28-40 use the phrase "means for," the "means for" are modified by functional language (for example, means for categorizing a plurality of pre-existing items; means for displaying at least a portion of the stored plurality of predetermined categories; means for selecting a category from the displayed predetermined categories by a user), and the phrase

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"means for" is not modified by sufficient structure. Therefore, claims 28-40 properly invoke the 35 U.S.C. 112, sixth paragraph and therefore are within the statutory subject matter.

Furthermore, the structures corresponding to the "means for" are adequately supported in the specification by the user interfaces, display screen, database structure and tables (e.g., FIGs. 4 & 5), computer hardware (FIG. 1), the Internet, etc. Accordingly, it is respectfully requested that the above rejection be withdrawn.

Claims 1-2, 4-6, 19-23, 28-29, 31-33 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al. (US 2003/0009448) in view of Pundarika et al. (US 2003/0043144). Claims 7-15, 17, 25-27, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al. in view of Pundarika et al. and further in view of Robinson (US Patent No. 7,072,846). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al. in view of Pundarika et al. and further in view of Edwards et al. (US 2002/0038430). Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al. in view of Pundarika et al. and further in view of Gonzales (US 2002/0152087). Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al. in view of Pundarika et al. and further in view of Boyd (US 2002/0194049).

Applicant submits that all of the claims currently pending in this application are patentably distinguishable over the cited references, and reconsideration and allowance of this application are respectfully requested.

Amended independent **claims 1 and 28** include, among other limitations, "selecting a category from the displayed predetermined categories by a user," "selecting a categorizer from the displayed categorizers by the user," "initiating a search for one or more pre-existing items in the computer network based on the selected category and the selected categorizer as search parameters," "selecting one or more of the displayed results for more detail description of the selected item," "providing incentive to one or more categorizers based on number of users who have selected an item categorized by the one or more categorizers," and "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early

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categorizer and the subsequent categorizer." None of the cited references, alone or in combination, teach or suggest the above limitations.

First, with regard to the limitation of "selecting a category from the displayed predetermined categories by a user," and "initiating a search . . . based on the selected category," the Examiner states that Covington discloses "selecting a category from the [displayed] predetermined categories [by a user]," in paragraph [0010] by disclosing "the system associates the inquiry with one or more predefined categories." (Office action, page 5, second paragraph.) Applicant respectfully disagrees. In Covington, the system analyzes the inquiry after the inquiry is made, and then based on the inquiry, associates the inquiry with one or more predefined categories. In contrast, the claimed invention selects "a category from the [displayed] predetermined categories [by a user]," and then, initiates "a search . . . based on the selected category [and the selected categorizer]." Therefore, Covington system's selection of a category based on an inquiry does not disclose "selecting a category" and "initiating a search . . . based on the selected category."

Similarly, Pundarika, alone or in combination with Covington, does not teach or suggest the above limitation. Selecting a book and displaying a choice of available book reviews (paragraph [0043]) are not the same as "selecting a category from the displayed predetermined categories" and "initiating a search . . . based on the selected category," because Pundarika's method is for "allowing selection of book reviews by specific reviewers." (Paragraph [0043], lines 2-3, underlining added.).

Second, with regard to the limitation of "selecting a categorizer from the [displayed] categorizers by the user" and "initiating a search . . . based on the selected categorizer," the Examiner again asserts that Covington discloses "selecting a categorizer from the [displayed] predetermined categorizer by the user," in paragraph [0008] by disclosing "a response to the User's inquiry is forwarded by the system to an expert . . ." (Office action, page 5, third paragraph.). Applicant respectfully disagrees. The "experts" of Covington are not the same as the claimed "categorizers," because in Covington the experts do not categorize "a plurality of pre-existing items corresponding to one or more of the plurality of predetermined categories, [by

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a plurality of categorizers]," as required by claims 1 and 28. Rather, at best, the Database Reviewers of Covington are the only ones who may have the capability of categorizing, and not the experts, as the Examiner states in the first paragraph of page 5 of the Office action. In other words, if the Examiner construes the Database Reviewers of Covington as the "categorizers," in one place, it is not appropriate to then re-construe the (selection of) experts as (selection) of "categorizers." Furthermore, the inquiry (search) in Covington is not "based on the selected categorizer" (even, the alleged expert) "as search parameter." Rather, in Covington an inquiry is made and then based on the inquiry or the user and the user profile, the inquiry is answered by an expert. Therefore, the expert is not used as a search parameter in Covington. In other words, the inquiry of the Covington's user is made independent of the expert and is not limited or filtered by the choice of the expert as a search parameter.

Pundarika does not cure the above deficiencies of Covington, because book reviewers of Pundarika are not the same as claimed "categorizers" who categorize "a plurality of pre-existing items corresponding to one or more of the plurality of predetermined categories."

Third, regarding the limitation of "providing incentive to one or more categorizers based on number of users who have selected an item categorized by the one or more categorizers," none of the cited references, alone or in combination, teach or suggest this limitation. The examiner correctly admits that "Covington in view of Pundarika, does not explicitly teach the limitation." (Office action, page 11, second full paragraph.). However, the Examiner cites Col. 3, lines 49-55 of Robinson as teaching the above limitation. Applicants respectfully disagree. The cited text in Robinson simply states "Reviewers can be paid similarly for access to reviews written by that reviewer." This means that whoever wants to access (see) the reviews has to pay. Assuming that a Reviewer of Robinson can be construed as a claimed "categorizer," this payment method of Robinson is simply a payment to the Reviewers for access by a user (not number of users who have selected) to their reviews and not "based on number of users who have selected an item categorized by the one or more categorizers," as required by claims 1 and 28. In other words, Robinson charges users (and pays Reviewers) for access to reviews, while

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the claimed invention provides incentive based on number of users who have (already) selected the item.

Fourth, regarding the limitation of "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer," none of the cited references, alone or in combination, teach or suggest this limitation. There is no disclosure of sharing incentive among an early categorizer and a subsequent categorizer, particularly, in the specific claimed manner in any of the cited references.

As a result, independent claims 1 and 28 are patentable over the cited references.

Amended independent **claims 19 and 38** include, among other limitations, "displaying cost and incentive for the authorized categorizer for the selected category," "providing incentive to one or more categorizers based on number of users who have selected an item categorized by the one or more categorizers," and "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer. As explained above, none of the cited references, alone or in combination, teach or suggest the above limitations.

Additionally, Applicant respectfully disagrees with the Examiner's assertion that Covington teaches the limitation of "displaying cost and incentive for the authorized categorizer for the selected category," by disclosing "the system can provide a user with a web page containing a brief abstract of each piece of relevant information record," in paragraphs [0023] and [0021]. (See Office action, page 9, last full paragraph.). "A brief abstract of each piece of relevant information record," can not be construed as "cost and incentive for the authorized categorizer for the selected category," specially when Covington does not disclose any cost or incentives for its Database Reviewers or Experts.

Consequently, amended independent claims 19 and 38 are also patentable over the cited references.

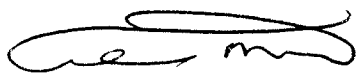
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Dependent **claims 7 and 10** include the additional limitations of wherein the number of users who have selected an item categorized by the one or more categorizers is a function of the number of users who have selected the item and have come back to the search results within an approximately short time," and "wherein the sum of all incentives for a given user's selection is equal to one," respectively. None of the cited references, alone or in combination, teach or suggest the above limitations. Therefore, claims 7 and 10 are also patentable for their patentable additional limitation they include therein and for being dependent from an allowable claim 1.

In short, independent claims 1, 19, 28 and 38 define a novel and unobvious invention over the cited references. Dependent claims 2, 4-18, 20-27, 29, 31-37, and 39-40 are dependent from claims 1, 19, 28 and 38, respectively and therefore include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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